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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/823,185
Filing Date: March 29, 2001
Appellant(s): SAHITA ET AL.

Whitney A. Fellberg
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 5/29/2007 appealing from the Office action mailed 09/26/2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

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(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,519,635	CHAMPLIN et al.	2-2003
6,857,013	RAMBERG et al.	2-2005
6,775,701	PAN et al.	8-2004

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 5-6, 8-9, 11-13, 15-16, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Champlin et al., US Patent Number 6,519,635, hereinafter Champlin, in views of Ramberg et al., US Patent Number 6,857,013, hereinafter Ramberg.
3. Referring to claim 1, Champlin teaches a managed node comprising:

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- a. a first database (item 70 is viewed as a first database, Figure 4) having metadata (Translation of data is a description of the original data, therefore data stored in the table 70 is viewed as metadata descriptive of data stored in MIB 72) that is received from a remote source (Col 5 lines 21-23, metadata stored in table 70 are collected from various translation tables from different sub-agents 66 (remote source)) and that is descriptive of data stored in a second database (MIB 72 is viewed as a second database)(Col 5 lines 21-23, various translation are stored in table 70 to map MIB object from MIB 72, Col 5 lines 15-18. Translation of data is a description of the original data, therefore data stored in the table 70 is viewed as metadata descriptive of data stored in MIB 72);
- b. a first process in communication with said second database (Figure 4, SNMP agent 64 must be in communication with MIB 72 in order to make MIB 72 to be functional (Col 5 lines 11-57);
- c. a second process in communication with said first process through a first protocol (Col 5 lines 45-48), said second process receiving communication transmitted across a network using a second format and having access to said metadata in said first database for translation between said first and second formats (Col 5 lines 11-59, translation of protocols are provided between SNMP Manager 62 and SNMP Master Agent 64 and Sub Agent 66 to communicate over network 60.)

Champlin does not teach the use of second protocols and translation between said first and second protocols

However, Ramberg teaches the use of second protocols (communication protocol of ADC devices) and translation between first (SNMP protocol) and second protocols (Col 7 lines 55-58).

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to incorporate the method of translating between the communications protocol of ADC devices and the standardized SNMP protocol using information from MIB of Ramberg in Champlin such that to have translation between said first and second protocols in Champlin, because both Champlin and Ramberg teach inventions relates to translating information in a SNMP environment using MIB (see figure 4 of Champlin and figure 2 of Ramberg.)

A person with ordinary skill in the art would have been motivated to make the modification to Champlin because having the MIB of Champlin containing information for translation between protocols would allow Champlin's system to communicate with devices operated under different protocols as taught by Ramberg (figure 2 and related section, Col 7 lines 47-62.)

4. Referring to claim 2, Champlin teaches the managed node of claim 1, wherein said first process comprises an SNMP agent (Figure 4 item 64 is a SNMP agent.)
5. Referring to claim 3, Champlin teaches a managed node comprising:
 - a. a first database (item 70 is viewed as a first database, Figure 4) having metadata descriptive of data stored in a second database (MIB 72 is viewed as a second database)(Col 5 lines 21-23, various translation are stored in table 70 to map MIB object from MIB 72, Col 5 lines 15-18. Translation of data is a description of the

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original data, therefore data stored in the table 70 is viewed as metadata descriptive of data stored in MIB 72);

- b. a first process in communication with said second database (Figure 4, SNMP agent 64 must be in communication with MIB 72 in order to make MIB 72 to be functional (Col 5 lines 11-57);
- c. a second process in communication with said first process through a first protocol (Col 5 lines 45-48), said second process receiving communication transmitted across a network using a second format and having access to said metadata in said first database for translation between said first and second formats (Col 5 lines 11-59, translation of protocols are provided between SNMP Manager 62 and SNMP Master Agent 64 and Sub Agent 66 to communicate over network 60); and
- d. wherein said second process comprises a network shim layer providing an interface between said first process and said network (the system translates the protocol format from one format into the second format of appropriate SNMP agent 66, which serves the same function as the network shim layer is providing. Col 5 lines 41-51.)

Champlin does not teach the use of second protocols and translation between said first and second protocols

However, Ramberg teaches the use of second protocols (communication protocol of ADC devices) and translation between first (SNMP protocol) and second protocols (Col 7 lines 55-58).

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to incorporate the method of translating between the communications protocol of ADC devices and the standardized SNMP protocol using information from MIB of Ramberg in Champlin such that to have translation between said first and second protocols in Champlin, because both Champlin and Ramberg teach inventions relates to translating information in a SNMP environment using MIB (see figure 4 of Champlin and figure 2 of Ramberg.)

A person with ordinary skill in the art would have been motivated to make the modification to Champlin because having the MIB of Champlin containing information for translation between protocols would allow Champlin's system to communicate with devices outside of SNMP environment as taught by Ramberg (figure 2 and related section)

6. Referring to claim 5, Champlin teaches the managed node of claim 1, wherein said second database comprises a MIB (item 72, figure 4).
7. Referring to claim 6, Champlin teaches the managed node of claim 1, wherein said first protocol comprises an application program interface for said SNMP agent (Col 2 lines 24-26).
8. Referring to claim 8, Champlin teaches the managed node of claim 3, wherein said metadata is obtained from a remote source (Col 5 lines 28-30.)
9. Referring to claim 9, claim 9 encompasses the similar scope of the invention as that of the claim 1, and Champlin further teaches a managed network (see figure 4), comprising: a management station (item 62), and a managed node (item 64) in communication with

said management station using a selected protocol (Figure 4 shows SNMP Manager is communicating with SNMP Master Agent.) Therefore, claim 9 is rejected for the same reason as claimed 1 and the further teaching limitation from Champlin.

10. Referring to claims 11-13, 15-16, 18 claims 11-13, 15-16, 18 encompass the same scope of the invention as that of the claims 2-3, 5-6, 8. Therefore, claims 11-13, 15-16, 18 are rejected for the same reason as the claims 2-3, 5-6, 8.

11. Claims 4, 7, 10, 14 and 17, 35-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Champlin in views of Ramberg and in further views of Pan et al., US Patent Number 6,775,701, hereinafter Pan.

12. Referring to claim 4, Champlin as modified teaches an invention as described in claims 1. Champlin as modified does not explicitly taught the protocol comprises COPS-PR protocol.

However, Pan teaches the use the COPS-PR protocol in network communication among network devices (Col 8 lines 53-58.)

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to incorporate COPS-PR of Pan in Champlin such that to have the COPS-PR protocol as the protocol for the network communication in Champlin's system, because Champlin is having a network management system where nodes are communicating via a network (figure 4), and Pan is teaching COPS-PR could be the protocol for communication in a network system (Col 8 lines 53-58.)

A person with ordinary skill in the art would have been motivated to make the modification to Champlin because COPS-PR is one of the well-known protocols along

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with SNMP, COPS-RSVP, and CLI as taught by Pan (Col 8 lines 55-58), having COPS would allow a query response protocol used to exchange policy data between a server and a set of client, as taught by Pan (Col 8 lines 59-61), to be implemented on Champlin's system.

13. Referring to claim 7, Champlin as modified teaches the invention as described in claim 5.

Champlin has not explicitly taught the protocol comprises a COPS protocol.

However, Pan teaches the use the COPS protocol in network communication among network devices (Col 8 lines 53-58.)

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to incorporate COPS of Pan in Champlin such that to have the COPS protocol as the protocol for the network communication in Champlin's system, because Champlin is having a network management system where nodes are communicating via a network (figure 4), and Pan is teaching COPS could be the protocol for communication in a network system (Col 8 lines 53-58.)

A person with ordinary skill in the art would have been motivated to make the modification to Champlin because COPS is one of the well-known protocols along with SNMP, COPS-RSVP, and CLI as taught by Pan (Col 8 lines 55-58), having COPS would allow a query response protocol used to exchange policy data between a server and a set of client, as taught by Pan (Col 8 lines 59-61), to be implemented on Champlin's system.

14. Referring to claims 10, 14, 17, claims 10, 14, and 17 encompass the same scope of the invention as that of the claims 4 and 7. Therefore, claims 10, 14, and 17 are rejected for the same reason as the claims 4 and 7.

15. Referring to claim 35-40, claims 35-40 encompass the same scope of the invention as that of the claims 1-6. Therefore, claims 35-40 are rejected for the same reason as the claims 1-6.
16. Referring to claim 41-42, claims 41-42 encompass the same scope of the invention as that of the claims 1-4. Therefore, claims 41-42 are rejected for the same reason as the claims 1-4.
17. Referring to claim 43, Champlin as modified teaches the managed node of claim 41, wherein the metadata is obtained from a remote source. (Champlin, Col 5 lines 21-23.)
18. Referring to claim 44, Champlin as modified teaches the managed node of claim 13, wherein the network shim layer is adapted to determine when to send a report to the management station (Col 5 lines 55-59, after translated, a PDU is transmitted to the SNMP Manager 62).
19. Referring to claim 45, Champlin as modified teaches the managed node of claim 13, wherein the network shim layer is adapted to use the metadata in the first database to identify an object in the second database that is to be accessed (Col 5 lines 21-23, various translation are stored in table 70 to map MIB object from MIB 72, Col 5 lines 15-18. Translation of data is a description of the original data, therefore data stored in the table 70 is viewed as metadata descriptive of data stored in MIB 72).
20. Referring to claim 46, Champlin as modified teaches the managed node of claim 13, wherein the network shim layer is adapted to receive a first message from the first process (Col 5 lines 55-59).

21. Referring to claim 47, Champlin as modified teaches the managed node of claim 46, wherein the network shim layer is further adapted to access the metadata in the first database to formulate a second message to the management station (SNMP manager 62) based on the first message (Col 5 lines 54-59, SNMP agent 64 uses translation table 70 to translate message in a data record format to an SNMP PDU object identifier format, and after translated, the PDU is transmitted to the SNMP Manager 62).

(10) Response to Argument

Appellant argues :

1. Ramberg also fails to teach translating between first and second protocols. And Ramberg's MIB does not provide the SNMP subagents with information to translate between a first and second protocol.
2. There is no motivation to combine Champlin and Ramberg.
3. Examiner's combination amounts to hindsight analysis.
4. Champlin and Ramberg fails to disclose or suggest "a network shim layer providing an interface between said first process and network".
5. There is no motivation to combine Pan with Ramberg and Champlin, and Examiner's combination amounts to hindsight analysis

Response to arguments:

1. Ramberg clearly states in Col 7 lines 55-58, "The SNMP subagents 211 and 212 **translate between the communication protocol of ADC devices 101 and 102 and the standardized SNMP protocol** using information from the MIB 240".

“The communication protocol of ADC devices” corresponds to the claimed **“first protocol”**, and **“the standardized protocol”** corresponds to the claimed **“second protocol”**. And Ramberg states **“The SNMP subagents 211 and 212 translate between the communication protocol of ADC devices 101 and 102 and the standardized SNMP protocol using information from the MIB 240”**, it is clear that Ramberg teaches SNMP sub-agents are using information provided from MIB 240 to perform the protocol translation.

2. In response to appellant’s argument, a motivation is provided to expand system capability of Champlin’s by having the capabilities of communicating with devices operated under different protocols as taught by Ramberg (Col 7 lines 47-62.)
3. In response to appellant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). For the instant case, Champlin teaches a system that translates between two formats in sub-agents, and Ramberg suggests that the subagents each could operate under different protocols, which allows Champlin’s system to translate formats that associates with different protocols, which benefits

Champlin's system to translate not only communication between devices within a certain protocol, but all the communication between devices that operates under different protocols.

4. The function of a shim layer as provided from the specification (page 3 [0012], and figure 2) is an element that provides translation function. The system of Champlin's translates the protocol format from one format into the second format of appropriate SNMP agent 66, and this process allows sub-agents to communicate with other sub-agents in a network, therefore the translation provide the same function as the network shim layer by providing a interface between the first process and the network (Col 5 lines 41-51).
5. COPS-PR is one of the well-known protocols along with SNMP, COPS-RSVP, and CLI as taught by Pan (Col 8 lines 55-58), having COPS would allow a query response protocol used to exchange policy data between a server and a set of client, as taught by Pan (Col 8 lines 59-61), to be implemented on Champlin's system. The concept and advantage of COPS-PR is well known and expected in the art. And in response to appellant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's

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disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Liangche Alex Wang

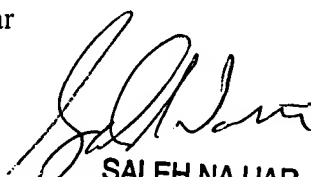


June 28, 2007

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